IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY SEVENTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

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WRIT PETITION NO : 15356 of 2004

Between:

M/s SIFCO Metal Industries, rep by it Prop.Mukundalal Agarwal
S/o. Sundar Mal Ji Agarwal D.No.2-4-41, Tobaco Bazar
Secunderabad -500004.

..... PETITIONER

AND

1 Central Power Distribution Company of A.P.Ltd.,

rep by its Chairman and Managing Director
Singareni Bhavan, Lakdikapool, Hyderabad.
2 Director (Commercial) CPDCL,

Singareni Bhavan, Red Hills, Lakdikapool, Hyderabad.
3 The Superintending Engineer, Operation

Ranga Reddy North, Gun Rock, Secunderabad -15.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ in the nature of a writ of Mandamus or any other appropriate writ direction, order or orders declaring the action of the respondents in making excess billing over and above the normal rates for the billing months of January to May 2004 and consequential notice dated 17-8-2004 demanding the excess charges levied for the month of January and February 2004 as arrears as wholly arbitrary, illegal

without jurisdiction and void.

Counsel for the Petitioner:MR.M.P.CHANDRAMOULI

Counsel for the Respondents: SMT.M.VINOBHA DEVI, Standing Counsel for CPDCL

The Court at the stage of admission made the following ORDER:

Heard the learned counsel for the petitioner and also learned Standing Counsel for the respondents.

The petitioner, who was sanctioned CMD of 495 KVA from the first respondent-Chairman and Managing Director, CPDCL, in H.T.Category-1, made a representation dated 02-04-2002 to the second respondent-Director (Commercial), CPDCL, for additional CMD of 2000 KVA and also for certain incentives like waiving the developmental charges, ICD etc. On such representation, petitioner was sanctioned additional CMD of 1500 KVA granting 24 instalments for CMD on 11 KVA line. The said condition has not been accepted. It is stated that after prolonged correspondence between the petitioner and the respondents, the second respondent through his letter dated 17-05-2002 intimated that Central Power Distribution Company Limited (CPDCL) has reexamined the matter and decided to release the additional load of 1500 KVA over and above the CMD of 495 KVA and granted instalments for the development charges and also called upon the petitioner to execute the revised agreement and accordingly, an agreement was executed by the petitioner. While so, it is stated that the petitioner paid the actual amount payable according to the previous bills after due discussion. Thereafter, when a notice dated 17-08-2004 was served on the petitioner on 21-08-2004 informing that an amount of Rs.8,11,818/- was still due from the petitioner and called upon to pay the same within seven days failing to do so, the supply will be disconnected, the petitioner submitted a representation dated 21-08-2004 to the third respondent stating that as

to how the said same figure was arrived without giving any details and clarifications and also requesting not to take any harsh steps. Even without giving any reply, the power supply was disconnected to the petitioner. Then, the petitioner approached the first respondent to restore the power supply and accordingly, restored till 30-08-2004.

Having regard to the above facts, the respondents shall give the details of the amount so arrived within a period of ten days from today and on giving such details, the petitioner can offer his explanation to the same. Till the matter is finally adjudicated and the liability is fixed, the petitioner's power supply shall not be disconnected subject to his payment of regular power consumption charges.

The writ petition is accordingly disposed of. No costs.

27th AUGUST, 2004.

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To

1 The Chairman and Managing Director,

Central Power Distribution Company of A.P.Ltd.,

Singareni Bhavan, Lakdikapool, Hyderabad.

2 The Director (Commercial) CPDCL,

Singareni Bhavan, Red Hills, Lakdikapool, Hyderabad.

3 The Superintending Engineer, Operation

Ranga Reddy North, Gun Rock, Secunderabad -15.

4 Two CD copies.